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7 *Attorneys for Defendants*  
*Kelly Belanger, Travis Bennett,*  
8 *Tara Carpenter, Kristy Fonoimoana*  
*and Ramon Olivas*

9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 CARL E. DUNCAN,  
12 Plaintiff,

13 v.

14 RAMON OLIVAS, et al.,  
15 Defendants.

Case No. 3:17-cv-00460-RCJ-WGC  
**ORDER GRANTING**  
**SECOND MOTION FOR EXTENSION OF**  
**THE 90 DAY STAY AND DEADLINE TO**  
**FILE THE 90 DAY STAY REPORT**

16 Defendants Kelly Belanger, Travis Bennett, Tara Carpenter, Kristy Fonoimoana and Ramon  
17 Olivas, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Erin  
18 L. Albright, Deputy Attorney General, hereby move this Court for a second extension of the ninety (90)  
19 day stay and a second extension of the deadline to file the ninety (90) day stay report. This motion is based  
20 on the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. NATURE OF MOTION**

23 On August 7, 2018, this Court entered its Order, staying this matter for ninety (90) days to allow  
24 the parties an opportunity to settle before an answer or other pleading is filed. (ECF No. 3 at 15-16). The  
25 Court further ordered the Office of the Attorney General to file the ninety (90) day stay report at the  
26 conclusion of that time period. *Id.* Based on that Order, the ninety (90) day stay is due to expire on  
27 November 5, 2018, and the ninety (90) day report is due to be filed that day. *Id.*

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1 On October 2, 2018, an Early Mediation Conference (EMC) was scheduled for November 20,  
2 2016. (ECF No. 7 at 1).

3 On October 24, 2018, Defendants filed a Motion for Extension of the 90 Day Stay and Deadline to  
4 File the 90 Day Stay Report requesting the stay in this case and the deadline to file the ninety (90) day stay  
5 report be enlarged to December 4, 2018. (ECF No. 8 at 2). On the same date, this Court granted  
6 Defendants' motion (ECF No. 8) and extended the stay and deadline to file the ninety (90) day stay report  
7 to December 4, 2018. (ECF No. 9).

8 On October 29, 2018, Defendants filed a Motion to Continue November 20, 2018 Early Mediation  
9 Conference. (ECF No. 10). This Court granted Defendants motion (ECF No. 10) and the early mediation  
10 conference in this matter was rescheduled to January 15, 2019. (ECF No. 11 at 1 and ECF No. 12 at 1).

## 11 **II. DISCUSSION**

12 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

13 When an act may or must be done within a specified time, the court may,  
14 for good cause, extend the time: (A) with or without motion or notice if  
15 the court acts, or if a request is made, before the original time or its  
extension expires; or (B) on motion made after the time has expired if the  
party failed to act because of excusable neglect.

16 The proper procedure, when additional time for any purpose is needed, is to present a request for  
17 extension of time before the time fixed has expired. *See Canup v. Mississippi Val. Barge Line Co.*, 31  
18 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a  
19 showing of good cause if timely made under subdivision (b)(1) of the Rule. *See Creedon v. Taubman*, 8  
20 F.R.D. 268 (N.D. Ohio 1947).

21 Good cause exists to extend the stay in this case because it will permit the parties to engage in  
22 settlement discussions without Plaintiff being assessed a filing fee and without Defendant being  
23 required to file the 90 day stay report and prepare a response to Plaintiff's Complaint. Additionally, this  
24 will allow time for representatives for Defendants to attend the EMC to discuss Plaintiff's concerns.  
25 Extending the stay will provide the parties the opportunity to engage in informal and formal settlement  
26 discussions without the pressure of the litigation process, and provide sufficient time to schedule  
27 another mediation if necessary.

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1 **III. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request that the Court enter an order extending  
3 the stay in this case and the deadline to file the 90 day stay report to January 18, 2019.

4 DATED this 3<sup>rd</sup> day of December, 2018.

5 ADAM PAUL LAXALT  
6 Attorney General

7 By:

  
8 ERIN L. ALBRIGHT  
9 Deputy Attorney General  
10 State of Nevada  
11 Bureau of Litigation  
12 Public Safety Division

*Attorneys for Defendants*

13 **IT IS SO ORDERED.**

14 **DATED: December 13, 2018.**

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16 UNITED STATES MAGISTRATE JUDGE  
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